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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

10 || FREDERICK CONTE, *et al.*,

11 | Plaintiffs,

12 v.

13 | TRANSGLOBAL ASSETS, *et al.*,

14 Defendants.

Case No. 2:12-CV-01005-KJD-VCF

## ORDER

16 Before the Court is Plaintiffs' Motion for Return of Surety (#42). Defendant Transglobal  
17 Assets has filed an opposition (#43). Transglobal also filed a Motion for Payment of Bond Deposit  
18 to Transglobal (#45).

19 Rule 65(c) of the Federal Rules of Civil Procedure requires that “[t]he court may issue a ...  
20 temporary restraining order only if the movant gives security in an amount that the court considers  
21 proper to pay the costs and damages sustained by any party found to have been wrongfully ...  
22 restrained.” Fed.R.Civ.P. 65(c). Thus, the primary purpose of such a bond is to safeguard Defendants  
23 from costs and damages incurred as a result of a temporary restraining order improvidently issued.

On August 4, 2012, Plaintiff filed a Motion for Preliminary Injunction. On August 9, 2012, Plaintiffs filed an ex parte Motion for Temporary Restraining Order requesting immediate injunctive relief prohibiting Transglobal from taking various actions related to its stock. Based on the

1 allegations of the Motion for TRO, the Court granted (#17) the temporary relief requested and  
2 ordered Plaintiffs to post a \$2,000 bond as security for Transglobal. Plaintiffs posted their bond on  
3 August 13, 2012 (#18).

4 Transglobal filed an opposition to the Motion for Preliminary Injunction and moved to  
5 dissolve the TRO. Transglobal asked the Court to “dissolve the instant TRO and liquidate the bond  
6 in favor of Transglobal to pay for the wrongful restraint caused by these frivolous motions.” On  
7 September 17, 2012, the Court issued an Order (#37) dissolving the TRO and denying the Motion for  
8 Preliminary Injunction.

9 In its Motion for Payment of Bond Deposit, Transglobal argues that its costs and damages  
10 from the restraint, including legal fees incurred in successfully dissolving the TRO and opposing the  
11 Motion for Preliminary Injunction, far exceed \$2,000. Plaintiffs have failed to provide points and  
12 authorities in opposition to Transglobal’s Motion for Payment of Bond Deposit. The Court finds that  
13 Transglobal’s motion is supported by good cause.

14 Accordingly, **IT IS HEREBY ORDERED** that Transglobal’s Motion for Payment of Bond  
15 Deposit to Transglobal (#45) is **GRANTED**.

16 **IT IS FURTHER ORDERED** that Plaintiffs’ Motion for Return of Surety (#42) is  
17 **DENIED**.

18 **IT IS FURTHER ORDERED** that the Clerk of Court immediately release to Defendant  
19 Transglobal Assets the bond in the amount of \$2,000 deposited by Plaintiffs (#18, Receipt #3241).

20 DATED this 6th day of March 2013.

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Kent J. Dawson  
United States District Judge